



# Network Enforcement Act Report: July - December 2023

## 1. Information on the general efforts to prevent illegal actions

General explanations of the efforts made by the social network provider to prevent criminal acts on the platforms.

At SoundCloud we go to great lengths to ensure our platform is free from illegal content. From the moment a user signs up to use SoundCloud they are required to agree to our [Terms of Use](#) and [Community Guidelines](#) (together the "Terms"). Our Terms clearly state that users are not permitted to upload any illegal content or content that violates these Terms.

As a further means of restricting the actions of potential bad actors, it's not possible for users to upload audio content or send messages or comments without first confirming their email address. We also ensure that most email addresses from 'throw away' email providers are blocked from signing up to the platform. These measures help ensure that users of the platform are genuine actors and guards against those attempting to spread illegal content with anonymity.

In the event that users chose to upload content in violation of our Terms, report forms are available on the platform. These enable people to report any content for review, leading to removal where necessary.

## 2. Proactive measures

*Type, basic functionality and scope of any procedures used to automatically identify content that is to be removed or blocked, including general information on the training data used and the review of the results of these procedures by the provider, as well as information on the extent to which scientific circles and research are supported in the evaluation of these procedures and they have been granted access to information from the provider for this purpose.*

At SoundCloud, we look to take proactive measures in the detection and prevention of harmful content where possible. This currently entails limitations on the profile names, urls and profile descriptions used on the platform. We ensure that terms considered unequivocally to be a violation of our Terms and Strafgesetzbuch 'StGB' would be prohibited from use in profile names

etc. on SoundCloud the platform. This limitation is derived from a database populated by terms identified by the SoundCloud Trust & Safety Team. The systems behind this feature are maintained by engineering teams within SoundCloud and they do not utilize any scientific evaluation, nor are these systems trained in any sense. All terms used are manually entered into the database and then used to match with violative profiles. At the point that a user attempts to either sign up with a new profile name or changes an existing profile name, a call will be made to this database to ensure that none of the specified terms are being used. When matches to terms in the database are discovered, the profile attempting to use the term will be automatically suspended from the platform.

We are looking to expand these or similar systems to also be used to detect violative words and terms used in track names, playlist names and comments.

We have implemented a vigorous proactive monitoring program of all user-uploaded content for signs of terrorist content and hate speech content.

This takes the form of a fully customizable content moderation environment, using AI-driven automated detection models based on SoundCloud's policies and content moderation processes. We utilize these models to attach a "risk score" to all newly uploaded content, thus categorizing and prioritizing harmful content both for automated removal and for SoundCloud's moderation agents to review and remove in line with SoundCloud's policy.

SoundCloud incorporates different content detectors and methods to route content based on text and image AI models, custom keywords, audio-matching & image-matching as well as logo detection. Flagging content is achieved via multiple detectors and policies related to the terrorist and hate speech content. The models are trained to identify any promotion or glorification of any ideology, individual or organization associated with terrorism or hate speech.

### **3. Our complaint procedure and decision-making process**

Description of the mechanisms for submitting complaints about illegal content, description of the decision-making criteria for the removal and blocking of illegal content and description of the examination procedure, including the order of examination as to whether illegal content is present or whether contractual regulations between provider and user are being violated.

We have developed and implemented a robust procedure for dealing with complaints regarding illegal content or other content that violates our Terms.

The following resources are available to help users decide if content should be reported as a violation:

- [Terms of Use](#)
- [Community Guidelines](#)
- [Help Center articles](#)
- [German Criminal Code/Deutsches Strafgesetzbuch, 'StGB'](#)

### **3a. Complaint mechanisms**

If someone believes content found on SoundCloud to be unlawful under one or more of the German Criminal Code provisions covered by the Network Enforcement Act ("NetzDG"), they can report it by using either the dedicated report form in our help center or content specific reporting buttons found on both mobile apps and the website. The help center reporting forms have been available for all users wishing to file a NetzDG Complaint since January 1, 2018. The content specific reporting buttons have been in place since May 2nd, 2023 for german based users, following a previously mentioned comprehensive re-working of our reporting process.

The new reporting buttons provide a much more streamlined and unified approach to reporting content across the SoundCloud Platform (apps and website). However, users wishing to file a NetzDG Complaint, will also be able to report in the same manner as previously available via the help center. Users outside of Germany should note; at present the new reporting buttons are only available for users based in Germany. For users outside of Germany, the reporting process detailed in previous reports remains relevant ([English](#) & [German](#) reports found here). Outlined below are the current compliant mechanisms available to users based in Germany.

#### **Help Center:**

Users of SoundCloud can navigate to the [Help Center](#) in order to file a report under NetzDG and begin the complaint procedure. This option is available to both signed-in and non-signed-in users. Details on how to navigate to the Help Center across the SoundCloud Platform are provided below.

#### **Website (Including Mobile Web)**

The Help Center is reached from a desktop browser by clicking on the three dots located in the top right corner of your screen and selecting "support" from the options listed in the menu that appears below. The report buttons found on messages, user profiles and the "Report illegal content" option from the [Legal](#) section of the website will also forward a user to the help center to file a report from there. One exception to this rule is when selecting "Spam" as the reporting reason. From the mobile website, the Help center is reached by scrolling down to the bottom of the homepage and selecting "Company", then scrolling down again and selecting "Help Center". We recommend that users of the Android and iOS apps use the new content specific reporting buttons to report any content for NetzDG violations. However, it's still possible for users of these apps to report from the Help Center too.

#### **Android**

Users wishing to access the Help Center from the Android app must first go to the "Library" tab at the bottom of the app home screen. Once here, the user must navigate to their profile settings by selecting their profile avatar located in the top right hand corner (this will be a profile picture if

you have uploaded one). Once the profile settings have been accessed, the “Support” option will be displayed. Simply select “Support and you’ll be taken to the Help Center.

## **iOS**

Users wishing to access the Help Center from the iOS app must do so from the settings page. This is reached by selecting “Library” shown as an option on the bottom right hand corner of the app home screen. At this point, a cog icon appears at the top right hand side of the screen. After selecting the cog icon, the settings options display. Here, the option of “contact support” will display in the menu that follows, simply select this option to go to the Help Center.

### **Filing a complaint via the Help Center**

Once in the help center, the steps to file a complaint are broadly similar across devices. The option to file a ticket is now presented in the displayed menu. Here, options to “Report a violation” or “Report a legal issue” are clearly displayed. A specific NetzDG reporting form is available when selecting “Report a legal issue”. Once “Report a legal issue” is selected, further options to refine your report are presented under the field “What is the nature of your request?”, to report a NetzDG Complaint the option “Inhalte gemäß dem Netzwerkdurchsetzungsgesetz (NetzDG) melden” must be selected. However, any relevant complaints received from German users via the “report a violation” option are also factored into our transparency reporting for NetzDG.

When filing a complaint using the abovementioned NetzDG reporting option, the following information is required from the user:

- Their email address
- A Subject Header
- A Description (details of the request)
- A URL for the reported content

In addition to the above, the user must answer the question ‘What is the nature of your request?’ by indicating which Criminal Code section applies to their complaint from the below list:

- Incitement to hatred
- Child pornography
- Dissemination of propaganda material/using symbols of unconstitutional organizations
- Preparation of/encouraging commission of a serious violent offense endangering the state
- Threatening to commit offenses
- Forming of a criminal or terrorist organization
- Rewarding and approving of offenses
- Forgery of data intended to provide proof
- Treasonous forgery
- Reporting defamation
- Reporting pornographic content
- Reporting incitement or promotion of violence
- Reporting extremism and illegal content

There is also an option to include an attachment to the complaint.

Once the form is complete, the user must click 'submit' to ensure the complaint is sent to our team for further processing. All complaints are received by our Trust & Safety Team. Further details around this are listed in the below section "Complaint Review Process".

### **Content Specific Reporting Buttons:**

As of May 2nd, 2023 report buttons are visible for German based users on all comments and tracks across the SoundCloud platform (our website (including the mobile website), Android app & iOS app). These reporting buttons function in a similar manner across the SoundCloud platforms for both signed in or anonymous users. Specific details regarding the reporting button for the websites and apps are provided below:

### **Navigating to reporting buttons**

#### **Website** (including the mobile website)

Content specific reporting buttons are found on all tracks and comments when accessing SoundCloud via a web browser. You can navigate towards this option to report a track from a track page by clicking on the "... More" button, placed immediately below the "write a comment" field. Once clicked, a menu will display below the button. From here the option to "report NetzDG violation" will be displayed within this menu. Simply click the option to start the complaint process. Similarly, to file a complaint for a comment found whilst using SoundCloud via a web browser, there is a button with three dots that will display when the cursor is hovered over the comment in question. Once clicked on, a menu will display with the option to "report NetzDG violation" with prefilled details for the reported URL link and email address of signed in users. Again, simply click the option to start the complaint process.

#### **Android**

Content specific reporting buttons are found on all tracks and comments when accessing SoundCloud via the Android app. You can navigate towards this option from a track in the Android app by selecting the three dots at the bottom right hand corner of the track screen. Alternatively, the same three dots appear at the right hand side of the track in question when viewed on a screen listing multiple tracks i.e. your library/liked tracks. Once selected, a menu will display and show the option to "Report NetzDG Violation". Selecting this option takes you to a form to file and complete the complaint. Navigating to report a comment functions in a similar manner as reporting tracks. Once the comment in question has been identified, simply select the three dots beneath it and the option to "Report NetzDG Violation" is displayed again.

#### **iOS**

Content specific reporting buttons are found on all tracks and comments when accessing SoundCloud via the iOS app. You can navigate towards this option from a track in the iOS app by selecting the three dots at the top right hand corner of the track screen. Alternatively, the same

three dots appear at the right hand side of the track in question when viewed on a screen listing multiple tracks i.e. your library/liked tracks. Once selected, a menu will display and show the option to “Report NetzDG Violation”. Selecting this option takes you to a form to file and complete the complaint. Navigating to report a comment functions in a similar manner as reporting tracks. Once the comment in question has been identified, simply select the three dots beneath it and the option to “Report NetzDG Violation” is displayed again.

### **Filing a Complaint via Content Specific Reporting Buttons**

Whether you’re reporting a comment or a track, the next step of completing the complaint is the same. After clicking on the option to report, a form titled “Report content under NetzDG” will open. Here you’ll be asked to provide information around your complaint, the first question on this new page is; “Why do you believe this content violates the German Criminal Code sections you selected?”

This is a multiple choice question with the available options listed below it; “It’s hate speech or supports hateful ideologies”, “It’s graphic or violent”, “It’s defamation or targeted abuse” and “It supports/ encourages criminal and/or threatening behavior”.

This question and the associated options are to guide the user towards filing the complaint under a specific german criminal code section.

Selecting “It’s hate speech or supports hateful ideologies” prompts the user to select from the following:

- Dissemination of propaganda material of unconstitutional and terrorist organizations (§ 86)
- Using symbols of unconstitutional and terrorist organizations (§ 86a)
- Incitement to hatred (§ 130)
- Defamation of religions, religious and ideological associations (§ 166)

Selecting “It’s graphic or violent” prompts the user to select from the following:

- Dissemination of depictions of violence (§ 131)
- Distribution, acquisition and possession of child pornography content (§ 184b)
- Violation of intimate privacy or personality rights by taking photographs or other images (§ 201a)

Selecting “It’s defamation or targeted abuse” prompts the user to select from the following:

- Insult (§ 185)
- Defamation (§ 186)
- Intentional defamation (§ 187)
- Disparagement of the memory of the deceased (§ 189)

Selecting “It supports/ encourages criminal and/or threatening behaviour” prompts the user to select from the following:

- Preparation of a serious violent offense endangering the state (§ 89a)
- Encouraging the commission of a serious violent offence endangering the state (§ 91)
- Treasonous forgery (§ 100a)
- Public incitement to crime (§ 111)
- Breach of the public peace by threatening to commit offenses (§ 126)
- Forming criminal organizations (§ 129)
- Forming terrorist organizations (§ 129a)
- Forming criminal and/or terrorist organizations abroad (§ 129b)
- Rewarding and approving of offenses (§ 140)
- Threatening the commission of a felony (§ 241)
- Forgery of data intended to provide proof (§ 269)

Users are able to select multiple criminal code sections per category and multiple categories when filing a complaint.

The next question on the complaint form requests that the user provide a further (optional) explanation for the content being reported in a free text field; “Why do you believe this content violates the German Criminal Code sections you selected? (Optional)”.

Next, the user is asked to clarify if they are reporting on behalf of a complaint body and if they are based in Germany, both or which are yes or no questions.

The next step requires the user to provide contact details; their full name and email address. For signed in users the email address of the user reporting will be automatically populated, but is editable by the user if they wish to change the address they receive information to.

Next, the user is requested to “Please provide a link (URL) to the piece of content on SoundCloud that you want to report.” This will be automatically populated based on where the users clicked the content to report from. Lastly, there is an option to further clarify the type of content being reported, with the following question; “Content Type (select as many as necessary)”

- Audio
- Image
- Text
- Account holder
- Other

This information helps our team swiftly and effectively target the moderation process for this specific piece of content.

Once all the mandatory fields have been filled out, the complaint has been completed and can be submitted. This is done by simply clicking the “Submit” button found at the bottom of the page. All submissions are received by our Trust & Safety Team.

### **3b. Complaint review process**

Once received, all NetzDG Complaints are delivered as emails in our CRM tool and assigned a

support ticket number. These support tickets are then prioritized and routed to the Trust & Safety Team for review. Dealing with complaints under NetzDG as support tickets allows us to engage further with the complainant where details remain ambiguous following the initial report.

In addition to NetzDG Complaints, any content reported as violating specific sections of our Terms follows the same process prior to review by the Trust & Safety Team. Where such a report is received from a German user (registered or unregistered) and the Terms violation has a basis in German Law (German Criminal Code/Deutsches Strafgesetzbuch, 'StGB') the report will be included in our transparency reporting for NetzDG.

These complaints are reviewed by our Trust & Safety Team, either internally by the teams based in our New York and Berlin offices or by our third party content moderators.

Our third party content moderators act as a first level of review and as such, all complaints received in the manner described above will initially be routed for their review.

Both the internal team and our third party content moderators review reported content against our Terms, internal guidelines and German Law as criteria for deciding the outcome for each complaint. As a company headquartered in Germany, German Law was used as a foundation for many aspects of our Terms. As such, content removals based on Terms violations have, in many cases, also vicariously been performed due to German Criminal Code violations. However, as a means of review our teams would perform their reviews utilizing resources in the following order:

1. Our Terms (Terms of Use & Community Guidelines) / Internal Guidelines
2. German Criminal Code/Deutsches Strafgesetzbuch, 'StGB'

In no instances have we found our own Terms to provide stricter guidelines in content enforcement than the German Criminal Code. As such, during the review of content our own guidelines would only take precedent in a procedural manner, it would not affect the outcomes compared to decisions based on German Criminal Code.

Where our third party content moderators are unable to come to a decision on a piece of reported content, there is a clear and simple escalation process within our CRM tool. Escalations are routed to our internal teams for additional review prior to a final outcome being decided.

Reports of unlawful content received from other sources, such as law enforcement authorities, are routed in our CRM tool directly to the internal Trust and Safety team to be prioritized and reviewed.

Complaints are reviewed within 24 hours of submission. Where reported content is found to be clearly unlawful or violating the process for removal is enacted immediately. However, in some cases a complete and comprehensive review is not possible within a 24 hour period. For example, an account featuring multiple longform pieces of audio content i.e. Podcasts. In these instances, efforts are made to ensure that content is reviewed as quickly as possible, such as distributing content across multiple agents within the team. In all cases, decisions on content removal are made within one week of submission (with very occasional exceptions, such as in instances where outside counsel is sought).

Following the aforementioned review process, any content found to be in violation will be



removed and the uploader of the content will be notified via email, issued via our CRM tool. All warnings issued will clearly state which section of our Terms of Use has been violated by the content in question. Likewise, the complainant will be informed of the outcome and the reasoning behind this via email. All communication to both parties is issued simultaneously when the violating content is removed.

Where an account is deemed to be dedicated to uploading illegal or violating content will be permanently suspended and the account owner notified of this via email on removal. We consider an account to be dedicated to this type of content if it can be clearly identified as solely existing to provide a platform for this specific type of content.

At the point of suspension, the email address used to create the account is blocked, preventing further accounts being created using the same email address.

All accounts affected by the removal of content have the right to reply and appeal. Any requests to reconsider an initial decision will be routed directly to our internal Trust and Safety Team. As most content removal is carried out by our third party content moderators, this process ensures that appeals are reviewed in an impartial manner. Appeals will be escalated through the Business & Legal Affairs Team (“BALA”) representative where necessary. More information on the appeals process is listed in the below section; “Appeals”.

Where reports are received and the content is found not to be in violation, we respond to the complainant via email in our CRM tool to explain the reason for not removing the content as soon as the review has been completed.

## **4. Complaint volumes**

*Number of complaints about illegal content received in the reporting period, broken down into complaints from complaint bodies and complaints from users and by the reason for the complaint.*

### **4a. Complaint volumes by reporter type**

The following section displays the number of reports received that explicitly refer to the NetzDG and any identified German complainant reporting illegal content through any report means, broken down by various factors to clearly detail the varying types of reports received. As consultation with external bodies is not currently integrated within our complaints handling process, and no external bodies were utilized to this end during the period reflected in this report, as such figures regarding this have not been included.

*Total Complaints from German Users and Complaints Bodies:*

Total Complaints from German Users and Complaints Bodies			
Month		User Complaints	Complaints Bodies
July		376	4
August		266	14
September		204	5
October		391	7
November		227	5
December		877	16
	<b>Total</b>	<b>2341</b>	<b>51</b>

Out of the total number of complaints 2298 were received via our NetzDG reporting forms and buttons and 94 were received via other, not explicitly NetzDG related reporting forms.

#### 4b. Complaints by criminal code provision

*The number of the received complaints, broken down according to whether they were submitted by complaints bodies or by users, and according to the reason for the complaint:*

Reported By Month		Reason for Complaint					
		§ 86 StGB - Dissemination of propaganda material of unconstitutional organizations		§ 86a StGB - Using symbols of unconstitutional organizations		§ 89a StGB - Preparation of a serious violent offense endangering the state	
		User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
July		99	4	216	0	0	0
August		92	14	113	0	0	0
September		75	5	84	0	0	0
October		114	7	207	0	0	0
November		40	5	92	0	0	0
December		28	16	767	0	0	0
	<b>Total</b>	<b>448</b>	<b>51</b>	<b>1479</b>	<b>0</b>	<b>0</b>	<b>0</b>

Reported By Month		Reason for Complaint					
		§ 91 StGB - Encouraging the commission of a serious violent offense endangering the state		§ 100a StGB - Treasonous forgery		§ 111 StGB - Public incitement to crime	
		User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
July		0	0	0	0	0	0
August		0	0	0	0	0	0
September		0	0	0	0	0	0
October		0	0	0	0	0	0
November		0	0	0	0	0	0
December		0	0	0	0	0	0
	Total	0	0	0	0	0	0

Reported By Month		Reason for Complaint					
		§ 126 StGB - Breach of the public peace by threatening to commit offenses		§ 129 StGB - Forming criminal organizations		§ 129a StGB - Forming terrorist organizations	
		User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
July		0	0	0	0	0	0
August		0	0	0	0	0	0
September		0	0	0	0	0	0
October		0	0	0	0	0	0
November		0	0	0	0	0	0
December		0	0	0	0	0	0
	Total	0	0	0	0	0	0

Reported By Month		Reason for Complaint					
		§ 129b StGB - Forming criminal and/or terrorist organizations abroad; extended confiscation and deprivation		§ 130 StGB - Incitement to hatred		§ 131 StGB - Dissemination of depictions of violence	
		User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
July		0	0	57	0	0	0
August		0	0	59	0	0	0
September		0	0	33	0	1	0
October		0	0	60	0	2	0
November		0	0	84	0	0	0
December		0	0	69	0	2	0
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>362</b>	<b>0</b>	<b>5</b>	<b>0</b>

Reported By Month		Reason for Complaint					
		§ 140 StGB - Rewarding and approving of offenses		§ 166 StGB - Defamation of religions, religious and ideological associations		§ 184b StGB - Distribution, acquisition and possession of child pornography content	
		User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
July		0	0	0	0	0	0
August		0	0	1	0	0	0
September		0	0	5	0	0	0
October		0	0	5	0	0	0
November		1	0	3	0	0	0
December		0	0	4	0	0	0
	<b>Total</b>	<b>1</b>	<b>0</b>	<b>18</b>	<b>0</b>	<b>0</b>	<b>0</b>

Reported By Month		Reason for Complaint					
		§§ 185 StGB - Insult		§§ 186 StGB - Defamation		§§ 187 StGB - Intentional defamation	
		User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
July		4	0	0	0	0	0
August		1	0	0	0	0	0
September		6	0	0	0	0	0
October		2	0	0	0	0	0
November		7	0	0	0	0	0
December		7	0	0	0	0	0
	Total	27	0	0	0	0	0

Reported By Month		Reason for Complaint					
		§ 189 StGB - Disparagement of the memory of the deceased (§ 189)		§ 201a StGB - Violation of intimate privacy or personality rights by taking photographs or other images		§ 241 StGB - Threatening the commission of a felony	
		User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
July		0	0	0	0	0	0
August		0	0	0	0	0	0
September		0	0	0	0	0	0
October		1	0	0	0	0	0
November		0	0	0	0	0	0
December		0	0	0	0	0	0
	Total	1	0	0	0	0	0

Reported By Month	Reason for Complaint	
	§ 269 StGB - Forgery of data intended to provide proof	
	User Complaint	Complaint Body
July	0	0
August	0	0
September	0	0
October	0	0
November	0	0
December	0	0
	<b>Total</b>	<b>0</b>

## 5. Organization, personnel resources, personnel expertise, training and support

*Organization, staffing, technical and linguistic competence of the work units responsible for processing complaints and training and support of the persons responsible for processing complaints*

### 5a. Organization

NetzDG Complaints are predominantly handled by the Trust & Safety Team (internal and third party moderators) with support provided by BALA.

### 5b. Personnel resources & personnel expertise

#### Trust & Safety Team (Internal)

At the time of publication the internal Trust & Safety Team consists of six employees. This comprises the Director for Legal Operations (the organization that Trust & Safety sits within), Senior Trust & Safety Manager, Trust & Safety Project & Operations Manager, Trust & Safety Manager and two Trust and Safety Specialists. The team is predominantly based in our Berlin office, with the Senior Trust & Safety Manager, Safety Project & Operations Manager, and one Trust and Safety Specialists working here. A Trust & Safety Manager and one further Trust & Safety Specialists are based in New York, allowing for greater timezone coverage.

The role of the internal team as it pertains to NetzDG Complaints is to both handle complaints and to act as a point of escalation for our third party team. Although complaints handled by the internal team are predominantly resolved by the specialists on the team, all members of the internal Trust and Safety Team participate in rigorous training (see “Training and Support” below) to enable the whole team to handle complaints as volumes dictate. NetzDG Complaints are only handled once training has been completed and any complaints handled within the first 3-6 months of a specialist's tenure are done so within a highly supervised environment. Those handling NetzDG Complaints are also responsible for other complaints and reports from users, law enforcement etc., with the prioritization of incoming NetzDG Complaints ensuring timely resolutions.

The expertise and backgrounds of those on the team are varied and diverse. The most recent addition to the Trust & Safety Team is a Trust & Safety Specialist with 2+ years experience in content moderation for numerous large social networks & user generated content platforms. In addition, all but one team member has attained a university degree. The subjects studied include; Bachelor of Arts / International Relations, Masters / East European Studies, Bachelor of Creative Science / Audio Engineering, Bachelor of Arts / Psychology, Bachelor of Arts / Communication Sciences. Language expertise within the internal Trust and Safety team are similarly varied including native level English, Portuguese, Chinese/Mandarin, Chinese, Cantonese and proficiency in Spanish and French. German language expertise within this team is adequately covered within the Berlin office with one fluent speaker, one C1 level speaker and one level B2 speaker.

- Director for Legal Operations
  - In role since September 2013
  - Education Level - University Degree
  - Part of the Business & Legal Affairs (BALA) Team reporting to Vice President Product Counsel (“VP”)
- Senior Trust & Safety Manager
  - In role since September 2014
  - Education Level - University Degree
  - Part of the BALA Team reporting to Director for Legal Ops
- Trust & Safety Project & Operations Manager
  - In role since September 2020
  - Education Level - University Degree
  - Part of the BALA Team, reporting to Senior Trust & Safety Manager
- Trust & Safety Manager
  - In role since February 2021
  - Education Level - University Degree
  - Part of the BALA Team reporting to Senior Trust & Safety Manager

- Trust & Safety Specialist
  - In role since February 2021
  - Education Level - University Degree
  - Part of the BALA Team reporting to Senior Trust & Safety Manager
  
- Trust & Safety Specialist
  - In role since April 2022
  - Education Level - University Degree
  - Part of the BALA Team, reporting to Senior Trust & Safety Team Manager

### **External Trust & Safety Team (Third Party)**

At the time of publication we have contracted a team of six third party moderators, these moderators are responsible for handling NetzDG Complaints in addition to user complaints of other Terms violations. They are supported by a designated Team Lead and a Quality Analyst within their organization.

The role of our third party team is to act as a first line of response and ensure prompt response times. As content reported in German language is on average only roughly 5% of total reports handled by the team, NetzDG Complaints form only a small amount of the workload of this team. The entire team has undergone the same rigorous training as the internal team prior to handling any complaints (see “Training and Support”).

The nature of outsourcing some tasks to an external partner means that a higher level of turnover in personnel is expected. For this reason, stating the exact expertise of this team is not possible, however, a rigorous recruitment process ensures that only those with the requisite skills and abilities are selected to work on the third party Trust & Safety Team. Although this team does not possess specific German language skills, there is a clear and simple line of escalation to the internal Trust and Safety Team where this causes difficulties in moderating content.

### **Legal**

The Legal Team at SoundCloud provides a supporting role in the handling of NetzDG Complaints and acts as the highest point of escalation internally. The Vice President Product Counsel acts as a point of contact for The Trust & Safety team and is a native German speaking, fully qualified German lawyer.

## **5c. Training and support**

### **Training**



All employees on both our internal & third party Trust & Safety teams are taken through a thorough onboarding process of training in all topic areas applicable to German Criminal Code provisions for NetzDG. The onboarding training is usually provided to new team members by the Senior Trust and Safety Manager.

Onboarding sessions are predominantly covered as topic areas that apply to our Terms, with specific focus on areas where German Criminal Code violations may arise within these themes.

For example, a training module on hate speech provides guidance on how to identify content that should be removed for violating our Terms and guidelines around this theme, but also highlights that such content may be in breach of § 130 StGB. One exception is a specific training module designed to teach team members how to identify specific unconstitutional organizations and their associated propaganda materials.

The onboarding training also consists of a number of simulated scenarios, this aims to replicate real reports of content. This is in place to ensure sufficient comprehension can be gauged prior to any live complaints being handled. The duration of the onboarding training ranges somewhere between 1-2 months.

Following the onboarding training, a new team member is supervised by a colleague whilst handling inbound complaints, a process referred to as shadowing. This shadowing period will vary in duration based on individual needs and usually ranges somewhere between 3-6 months

Only once a full training program and period of shadowing is complete, employees are enabled to handle complaints independently. The duration of the combined training and shadowing programs ranges somewhere between 4-8 months.

In addition to onboarding training, mandatory internal training is conducted on a regular basis. These include:

- Coaching with a fully qualified German lawyer: Covering new and upcoming regulations, discussions and learnings from real world events, understanding and retraining of escalations. These are carried out on a monthly basis.
- Training with designated third party organizations: Covering predominately terrorist organization (white supremacist and Islamic extremist) behavior, trends and specifics to their interactions with SoundCloud. These are carried out on a fortnightly basis.
- Training sessions with outside counsel: These are done to ensure optimized familiarity with NetzDG. The most recent of these took place with representatives from law firm Morrison & Foerster LLP on October 19th 2023. This training session orientated around

understanding the requirements of NetzDG and interpreting applicable sections of German Criminal Code.

## **Support**

The Trust & Safety Team receives linguistic support from the wider organization. At the time of publication linguistic support is available in 25 different languages from employees of 33 different nationalities. For additional support, the Trust & Safety Team has access to various other means of translation including translation tools and third party translators.

All Trust & Safety employees are entitled to free monthly mental health counseling sessions with our designated partner organization. Although all team members are encouraged to use this service, it is entered into on a voluntary basis. Owing to the small size of the team and giving full consideration to privacy, we are unable to give statistics around participation in this program.

Additionally, the team is entitled to annual learning and development funds for any additional elective training, as well as health and wellness benefits and flexible days off.

## **6. Industry associations**

*Membership in industry associations with an indication of whether there is a complaints office in these industry associations.*

SoundCloud is currently a member of the following industry associations:

- [Tech Against Terrorism](#)
- [Bitcom](#)

At the time of publication, neither Tech Against Terrorism nor Bitcom has an internal complaints body.

## **7. External consultation**

*Number of complaints where an external body was consulted to prepare the decision.*

At the time of publishing, SoundCloud is not consulting any external bodies prior to decisions being made when reviewing complaints.

## **8. Removal volumes**

*Number of complaints that led to the deletion or blocking of the content in question in the reporting period, by total number and broken down by complaints from complaints offices and users, by the reason for the complaint, whether a case of section 3 subsection (2) number (3) letter (a) existed, whether in this If it was*

*forwarded to the user, which step of the sequence of checks according to number (3) led to the removal or blocking and whether a transfer to a recognized body of regulated self-regulation according to section 3 subsection (2) number (3) letter (b) took place.*

Please note:

- Due to the nature of complaints received in the reporting window, we have not given the user the opportunity to comment prior to a decision in the sense of section 3 subsection (2) number (3) letter (a).
- We currently do not refer decisions regarding unlawfulness to external bodies (recognised self-regulation institutions) in the sense of section 3 subsection (2) number (3) letter (b).
- In this reporting period, no requests for removal were made with the requirement that content not be removed immediately.

The following table depicts the number of times content was removed following complaints submitted through both SoundClouds NetzDG complaint forms and other relevant reporting options between July 1st 2023 and December 31st, 2023.

This depicts the number of times a complaint led to the removal of content based on a Terms of Use violation, where a German Criminal Code violation was also found.

The numbers reflected in the tables below pertain to complaints submitted rather than unique pieces of content identified in the complaints.

Total Complaints Resulting in Removal of Content		
Month	User Complaints	Complaints Bodies
July	376	4
August	266	14
September	204	5
October	391	7
November	226	5
December	876	16
<b>Total</b>	<b>2339</b>	<b>51</b>

*The number of times content was removed following complaints submitted through both SoundClouds NetzDG complaint form and other relevant reporting options, broken down by German Criminal Code section between July 1st 2023 and December 31st, 2023:*

	Complaints Resulting in Removal of Content							
	Section of Criminal Code							
	§ 86 StGB		§ 86a StGB		§ 89a StGB		§ 91 StGB	
	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
	448	51	1479	0	0	0	0	0
<b>Total</b>	<b>499</b>		<b>1478</b>		<b>0</b>		<b>0</b>	

	Complaints Resulting in Removal of Content							
	Section of Criminal Code							
	§ 100a StGB		§ 111 StGB		§ 126 StGB		§ 129 StGB	
	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
	0	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>	

	Complaints Resulting in Removal of Content							
	Section of Criminal Code							
	§ 129a StGB		§ 129b StGB		§ 130 StGB		§ 131 StGB	
	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
	0	0	0	0	361	0	5	0
<b>Total</b>	<b>0</b>		<b>0</b>		<b>361</b>		<b>5</b>	

	Complaints resulting in Removal of Content							
	Section of Criminal Code							
	§ 140 StGB		§ 166 StGB		§ 184b StGB		§§ 185 StGB	
	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
	0	0	18	0	0	0	27	0
<b>Total</b>	<b>0</b>		<b>18</b>		<b>0</b>		<b>27</b>	

	Complaints resulting in Removal of Content							
	Section of Criminal Code							
	§ 186 StGB		§ 187 StGB		§ 189 StGB		§ 201a StGB	
	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
	0	0	0	0	1	0	0	0
<b>Total</b>	<b>0</b>		<b>0</b>		<b>1</b>		<b>0</b>	

	Complaints resulting in Removal of Content			
	Section of Criminal Code			
	§ 241 StGB		§ 269 StGB	
	User Complaint	Complaint Body	User Complaint	Complaint Body
	0	0	0	0
<b>Total</b>	<b>0</b>		<b>0</b>	

## 9. Removal turnaround time

*The number of complaints about illegal content that led to the removal or blocking of the illegal content within 24 hours, within 48 hours, within a week or at a later point in time, additionally broken down by complaints from complaints offices and from users as well as broken down according to the reason for the complaint.*

*The total number of complaints resulting in the removal of content, broken down according to who submitted the complaints, and into the periods “within 24 hours”/”within 48 hours”/”within a week”/”More than a week”:*

Complaints resulting in Removal of Content					
Time taken for Deletion	Time taken for Deletion				
	Within 24 hours	Within 48 hours	Within 72 Hours	Within a Week	More than a Week
User Complaints	2258	55	10	11	5
Complaint Body	48	0	3	0	0
<b>Total</b>	<b>2306</b>	<b>55</b>	<b>13</b>	<b>11</b>	<b>5</b>

*The time it took to delete the content, broken down according to who submitted the complaints, according to the reason for it, and into the periods “within 24 hours”/”within 48 hours”/”within a week”/”at some later point”:*

Complaints resulting in Removal of Content								
Time taken for Deletion	Section of Criminal Code							
	§ 86 StGB		§ 86a StGB		§ 89a StGB		§ 91 StGB	
	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
Within 24 hours	414	48	1460	0	0	0	0	0
Within 48 hours	22	0	13	0	0	0	0	0
Within 72 Hours	6	3	4	0	0	0	0	0
Within a Week	3	0	1	0	0	0	0	0
More than a Week	3	0	0	0	0	0	0	0
<b>Total</b>	<b>499</b>		<b>1478</b>		<b>0</b>		<b>0</b>	

Complaints resulting in Removal of Content								
Time taken for Deletion	Section of Criminal Code							
	§ 100a StGB		§ 111 StGB		§ 126 StGB		§ 129 StGB	
	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
Within 24 hours	0	0	0	0	0	0	0	0
Within 48 hours	0	0	0	0	0	0	0	0
Within 72 Hours	0	0	0	0	0	0	0	0
Within a Week	0	0	0	0	0	0	0	0
More than a Week	0	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>	

Complaints resulting in Removal of Content								
Time taken for Deletion	Section of Criminal Code							
	§ 129a StGB		§ 129b StGB		§ 130 StGB		§ 131 StGB	
	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
Within 24 hours	0	0	0	0	339	0	4	0
Within 48 hours	0	0	0	0	17	0	0	0
Within 72 Hours	0	0	0	0	3	0	0	0
Within a Week	0	0	0	0	0	0	1	0
More than a Week	0	0	0	0	2	0	0	0
<b>Total</b>	<b>0</b>		<b>0</b>		<b>361</b>		<b>5</b>	

Complaints resulting in Removal of Content								
Time taken for Deletion	Section of Criminal Code							
	§ 140 StGB		§ 166 StGB		§ 184b StGB		§ 185 StGB	
	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
Within 24 hours	0	0	18	0	0	0	24	0
Within 48 hours	0	0	0	0	0	0	3	0
Within 72 Hours	0	0	0	0	0	0	0	0
Within a Week	0	0	0	0	0	0	0	0
More than a Week	0	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>		<b>18</b>		<b>0</b>		<b>27</b>	

Complaints resulting in Removal of Content								
Time taken for Deletion	Section of Criminal Code							
	§ 186 StGB		§ 187 StGB		§ 189 StGB		§ 201a StGB	
	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
Within 24 hours	0	0	0	0	1	0	0	0
Within 48 hours	0	0	0	0	0	0	0	0
Within 72 Hours	0	0	0	0	0	0	0	0
Within a Week	0	0	0	0	0	0	0	0
More than a Week	0	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>		<b>0</b>		<b>1</b>		<b>0</b>	



Complaints resulting in Removal of Content				
Time taken for Deletion	Section of Criminal Code			
	§ 241 StGB		§ 269 StGB	
	User Complaint	Complaint Body	User Complaint	Complaint Body
Within 24 hours	0	0	0	0
Within 48 hours	0	0	0	0
Within 72 Hours	0	0	0	0
Within a Week	0	0	0	0
More than a Week	0	0	0	0
<b>Total</b>	<b>0</b>		<b>0</b>	

## 10. Correspondence

*Measures to inform the complainant and the user for whom the content in question was stored about the decision on the complaint.*

Following our review process, any content found to be in violation will be removed and the uploader of the content will be notified via email, issued via our CRM tool. All warnings issued will clearly state which section of our Terms of Use has been violated by the content in question. Likewise, the complainant will be informed of the outcome and the reasoning behind this via email. All communication to both parties is issued simultaneously when the violating content is removed.

Where an account is deemed to be dedicated to uploading illegal or violating content will be permanently suspended and the account owner notified of this via email on removal. We consider an account to be dedicated to this type of content if it can be clearly identified as solely existing to provide a platform for this specific type of content.

At the point of suspension, the email address used to create the account is blocked, preventing further accounts being created using the same email address.

All accounts affected by the removal of content have the right to reply and appeal. Any requests to reconsider an initial decision will be routed directly to our internal Trust and Safety Team. As most content removal is carried out by our third party content moderators, this process ensures that appeals are reviewed in an impartial manner. Appeals will be escalated through the Business & Legal Affairs Team (“BALA”) representative where necessary. More information on the appeals process is listed in the below section; “Appeals”.

Where reports are received and the content is found not to be in violation, we respond to the complainant via email in our CRM tool to explain the reason for not removing the content as soon as the review has been completed.

## **11. Appeals - Pursuant to section 3b subsection (1) sentence (2)**

*Number of counter-submissions received in the reporting period according to section 3b subsection (1) sentence (2), according to the total number and broken down into counter-submissions from complainants and from users for whom the objectionable content was stored, each with information on how many cases the counter-submission was remedied.*

When we take decisions on the removal of content following a complaint about unlawful content, we offer the ability to appeal. This applies both in the case of a user reporting content found on SoundCloud (reporter), as well as a user whose content has been removed (uploader).

In the case of a user wishing to appeal a decision taken by the Trust & Safety Team, they are instructed to simply reply to the email notification informing them of the original decision. Once an appeal has been received, this is automatically triaged into a separate view in our CRM tool. This ensures that all appeals can be distributed to members of the team that did not originally participate in the initial decision. In this way, a new decision is being made on the content in question.

Some technical limitations mean that we are currently unable to restore comments or images after removal (in the case of specific images being removed independent of the associated profile or track etc.). As such, although we will take appeals into consideration in these instances, we are currently unable to remedy our initial decision in full. In these instances, where we have found an incorrect decision of removal to have been made, we would permit the re-uploading of an image or replacement of a comment.

There is no limited timeframe in which an appeal will be considered by the Trust and Safety Team. However, only those fitting within the legislated two week period following initial notification from SoundCloud will be included in this report.

In usual circumstances, only one piece of content is reported per complaint, resulting in one piece of content being subject to each appeal.

However, reporters are able to include multiple pieces of content in a single complaint. In these cases, the reporter can only appeal the decision we took on all pieces of content within a single complaint. This will be recorded as one incoming appeal. If we remedy our initial decision on all or only some of the reported content, this will be recorded as one remedied appeal.

The following table shows the number of appeals received regarding reports of content that were either reported to us or removed on grounds that are violative of Criminal Code provisions in

NetzDG, as well as in how many cases the appeal was remedied. The timeframe depicted is between July 1st 2023 and December 31st, 2023.

*NetzDG Appeals by Applicant:*

		Appeals	
		Number of incoming Appeals	Number of Appeals Remedied
Appeals by reporter		0	0
Appeals by uploader		16	0
	<b>Total</b>	<b>16</b>	<b>0</b>

## 12. Appeals - Pursuant to section 3b subsection (3) sentence (1)

*Number of counter-submissions received in the reporting period according to Section 3b subsection (3) Sentence (1), each with information on how many cases a review according to Section 3b subsection (3) Clause 3 was waived and in how many cases the counter-submission was remedied.*

Users who report content other than through a complaint form, where that content has not been removed in response, as well as users whose content is removed as a consequence of such a report, are also able to appeal the decisions taken in such instances.

However, in this reporting period no such applicable appeals were received and therefore no relevant numbers are displayed in this section for the period July - December 2023.

## 13. Support and access for scientific and research communities

*Information on whether and to what extent circles of science and research were granted access to information from the provider in the reporting period in order to enable them to carry out an anonymous evaluation and to what extent.*

Whilst we believe that collaboration with scientific and research communities will improve industry wide abilities in detecting and preventing the proliferation of harmful content online, at this point in time we are not proactively engaged with any groups within scientific and research communities.

As our current content moderation methods do not rely on artificial intelligence, there is no open access that we could provide to any such code relating to our processes in this respect. Additionally, there have been no inquiries from scientific or research institutions looking to understand our processes and reporting numbers.

SoundCloud is endeavoring to become more transparent in our processes and is currently engaged with organizations to develop comprehensive transparency reports available to wider audiences.

## 14. Protection measures

*Other measures taken by the provider to protect and support those affected by illegal content.*

Soundcloud cooperates closely with law enforcement in efforts to remove violative content from the platform where requested.

At Soundcloud, we also work closely with an organization called Tech Against Terrorism. This allows us to ensure that we are remaining up to date with the types of content being produced by extremist groups and their strategies for sharing this. This allows us to understand where we should be focusing our efforts as it pertains to the potential for terrorist and extremist content to exist on the SoundCloud platform.

In addition to this, we have also been proactively engaged with a number of NGOs, particularly in spaces dealing with Hate Speech and Neo-Nazism. This results in us forging good working relations with experts in these fields. Allowing us to remain attentive to their concerns.

Within our own organization we have a number of diversity Resource Groups (DRGs) that provide resources and support to communities such as LGBTQ+, women and people of color, who are so often the targets of violative content online.

## 15. Summary of complaints and appeals

*A summary with a summary table contrasting the total number of complaints received about unlawful content, the percentage of content removed or blocked as a result of these complaints, the number of appeals pursuant to section 3b subsection (1) sentence (2) and pursuant to section 3b subsection (3) sentence (1) and in each case the percentage of decisions modified as a result of these appeals with the corresponding figures for the two previous reporting periods, together with an explanation of significant differences and their possible reasons.*

### Number of Complaints, Appeals and Respective Outcome :

		July to December 2023		January to June 2023		July to December 2022	
		User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
Complaints	Number	2341	51	1028	2	160	1
	Complaints with Removals/Blockings	99.9%	100%	93.9%	100%	100%	100%
Appeals pursuant to section 3b subsection (1) sentence (2) NetzDG.	Number	16	0	7	0	2	0
	Appeals remedied as a result	0%	N/A	0%	N/A	50%	N/A

### Summary analysis

Following the first full reporting period utilizing the new content specific reporting buttons we can see a considerable increase in the number of reports received, up 132.6% compared to the last reporting period. When compared to the reporting period of July to December 2022, this represents an increase of 1363.1%.

Despite the large increase in reporting we can see that the accuracy of user reports actually improved compared to the previous reporting period, resulting in a removal rate of 99.9%.

The number of complaints body reports have also gone up considerably, from 2 in the previous reporting period to 51 in the most recent, representative of a 2450% increase. This is largely due to increased engagement from the Bundeskriminalamt in reporting illegal content during this period. 100% of the complaints received from relevant complaints bodies resulted in content removals for this reporting period.

Although the volumes of reported and removed content have increased considerably, the number of overall disputes remains low. However, despite remaining low this is representative of a 128.6% increase compared to the previous reporting period.

## 16. Terms and conditions

*Explanation of the provisions in the General Terms and Conditions of the Provider on the permissibility of distributing content on the social network, which the Provider uses for contracts with consumers.*

In the following, we will provide an overview of the sections of the SoundCloud Terms of Use and Community Guidelines that pertain to the distribution of content on the SoundCloud platform.

Although our Terms of Use, Community Guidelines are updated occasionally, this report is based on the Terms of Use that were in effect at the end of the relevant reporting period (July to December 2023).

However, in regards to sections that cover distribution of content, no material changes have been made in the meantime.

### 16a. Terms of Use

Section VIII of the SoundCloud Terms of Use details prohibited actions regarding making content available on the platform:

“(viii) You must not use the Platform to upload, post, store, transmit, display, copy, distribute, promote, make available, continue to make available or otherwise communicate to the public:

- \* any Content that is abusive, libelous, defamatory, pornographic or obscene, that promotes or incites violence, terrorism, illegal acts, or hatred on the grounds of race, ethnicity, cultural identity, religious belief, disability, gender, identity or sexual orientation, or is otherwise objectionable in SoundCloud’s reasonable discretion;

- \* any information, Content or other material that violates, plagiarizes, misappropriates or infringes the rights of third parties including, without limitation, copyright, trademark rights, rights of privacy or publicity, confidential information or any other right; or

- \* any Content that violates, breaches or is contrary to any law, rule, regulation, court order or is otherwise is illegal or unlawful in SoundCloud’s reasonable opinion;

- \* any material of any kind that contains any virus, Trojan horse, spyware, adware, malware, bot, time bomb, worm, or other harmful or malicious component, which or might overburden, impair or disrupt the Platform or servers or networks forming part of, or connected to, the Platform, or which does or might restrict or inhibit any other user's use and enjoyment of the Platform; or

- \* any unsolicited or unauthorized advertising, promotional messages, spam or any other form of solicitation.

(ix) You must not commit or engage in, or encourage, induce, solicit or promote, any conduct that would constitute a criminal offense, give rise to civil liability or otherwise violate any law or regulation.”

## **16b. Community Guidelines**

The SoundCloud Community Guidelines aim to provide more context around our Terms of Use, which is the fundamental source for our decision making process.

Within the Community Guidelines the following sections are relevant to the content covered in this report:

### **Enforcement guidelines**

- This section of the Community Guidelines aims to provide further context around the manner in which decisions are reached when reporting content for Terms of Use violations.

### **Criticism & Abuse**

- These two sections aim to make the distinction between criticism and abuse on SoundCloud clear. Further detailed examples are provided to illustrate what is considered acceptable behavior on SoundCloud.

### **Harassment**

- Within this section an explanation of what would often constitute harassment is provided and include examples of behaviors that could see a profile reasonably reported for harassment on SoundCloud.

### **Pornographic Content**

- This section highlights that no pornographic content on SoundCloud is permitted and provides examples in order to help clarify how the pornographic nature of content would be decided

### **Violence and threatening behavior**

- This section highlights behaviors which are unacceptable on SoundCloud as it pertains to depictions and glorification of violence, including examples to deepen understanding.

### **Hate speech**

- The Hate Speech section of our community guidelines aims to clarify what constitutes hate Speech as per our Terms of Use. It also highlights that content related to criminal or terrorist groups is considered illegal content on SoundCloud.

### **Reporting violations**

- This section provides information on the reporting process.

### **Termination of accounts**

- This section aims to clarify under what circumstances an account can be terminated for Terms of Use violations.

## 17. Legal compliance of terms and conditions

*Description of the extent to which the agreement of the provisions according to number 16 is consistent with the requirements of Sections 307 to 309 of the German Civil Code and other law.*

As a company established and based in Germany, the terms of use were originally based on the German penal code. The terms of use do not deviate from the legal requirements in this respect and in no respect do our moderation practices exceed the limitations stated in the German penal code.

Much of our moderation practices and policies are derived from our terms of use and as previously stated, these are in turn based upon provisions in German penal code. The most relevant section of our terms of use in this respect is the following:

(viii) You must not use the Platform to upload, post, store, transmit, display, copy, distribute, promote, make available, continue to make available or otherwise communicate to the public: any Content that is abusive, libellous, defamatory, pornographic or obscene, that promotes or incites violence, terrorism, illegal acts, or hatred on the grounds of race, ethnicity, cultural identity, religious belief, disability, gender, identity or sexual orientation, or is otherwise objectionable in SoundCloud's reasonable discretion;

Taken as an example of how the German penal code is incorporated into our terms of use we can clearly see that the provisions set forth in this section mirror numerous sections of German penal code. References to the prohibition of "abusive, libellous, defamatory" relate to the enforcement of sections § 185, § 186, § 187, § 189 (Insult, Defamation, Intentional defamation, Disparagement of the memory of the deceased) of the German penal code. References to the prohibition of content that "promotes or incites violence, terrorism, illegal acts, or hatred on the grounds of race, ethnicity, cultural identity, religious belief, disability, gender, identity or sexual orientation" relate to the enforcement of sections § 86, § 86a, § 130, § 166, § 131, § 184b and § 201a (Dissemination of propaganda material of unconstitutional and terrorist organizations, Using symbols of unconstitutional and terrorist organizations, Incitement to hatred, Defamation of religions, religious and ideological associations, Dissemination of depictions of violence, Distribution, acquisition and possession of child pornography content, Violation of intimate privacy or personality rights by taking photographs or other images) of the German penal code. This is a non-exhaustive list that is used here to illustrate the spirit with which the terms of use were created.

However, to the extent that we prohibit the distribution of certain content on SoundCloud under our terms of use and community guidelines, such prohibition is in compliance with sections 307 to 309 BGB and other applicable law. In particular, these prohibitions do not violate the freedom of expression of the users according to Art. 5 Para. 1 Basic Law.



SoundCloud has a legitimate interest in regulating content requirements on the platform. Our terms of use and community guidelines protect the interests of SoundCloud users, third parties, and ourselves, and may outweigh the interest in distributing certain content, such as that connected to the above mentioned section of our terms of use. It can categorically be said that the removal of unlawful content is in the interest of all users, as well as in our own interest as a platform.

Whilst we endeavor to ensure no unlawful content remains on SoundCloud following our review process and it can be objectively observed that there is no merit in the protection and maintenance of unlawful content. We also recognize the importance of diversity in music and content found on SoundCloud. To this end, it is important to note that the community guidelines, which expand on the general provisions within the terms of use, are not presented in rigid or absolutist terms. Rather, they intend to guide users into reasonable and valuable exchanges that encourage respect for diversity of opinion and experiences and which promote discussion and constructive criticism. As such, whilst content that promotes or glorifies violence, for example, would be removed upon review, content in which users simply discuss their experiences of violence would not be subject to removal. This would especially be the case in instances where a user is sharing in a manner that seeks to raise awareness about these issues.

The provisions laid out in our terms of use and community guidelines in each case are also clear and understandable. Details there around the enforcement of the terms of use and the consequences of a violation for the user are explained in detailed, yet simple and generally understandable language.

Finally, the terms of use are regularly checked for compliance with legal provisions and updated where necessary.